

### REMARKS

This responds to the Office Action mailed on June 23, 2008.

Claims 8, 15, and 20 are amended, claims 1-7 are cancelled, without prejudice to the Applicant; as a result, claims 8-25 are now pending in this application.

Applicant believes that the amendments are made to place the present application in condition for allowance; therefore, entry of the amendments is appropriate and Applicant respectfully requests an indication of the same.

Example support for the amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraphs 41-42, 50, and 58.

### §103 Rejection of the Claims

Claims 8-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klein et al. (U.S. 6,453,313; hereinafter "Klein") and further in view of Reed et al. (U.S. 5,862,325; hereinafter "Reed"). It is of course fundamental that in order to sustain an obviousness rejection that each and every claim limitation must be taught or suggested in the proposed combination of references.

Here, the proposed combination includes updating a database on a regular bases with numerous transactions. This is not efficient to the database and for large transactional processing can actually substantially degrade the performance of the database. In fact, the Klein reference proposes an "update" operation that is embedded with each query "select" statement. Klein seeks to permit queries to have embedded update statements. The result is inefficient database performance when this level of control is given to the user as it is in Klein.

These performance issues cannot occur in Applicant's invention, since the updates are controlled and not done until each instance of the applications have finished processing, such that a single data store update is done. This is more efficient and improves the overall processing throughout of a database.

As such the rejections with respect to the proposed combination should be withdrawn and the claims of record allowed. Applicant respectfully requests an indication of the same.

*Reservation of Rights*

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (513) 942-0224 to facilitate prosecution of this application.

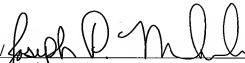
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4370.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(513) 942-0224

Date 08/25/08

By

  
Joseph P. Mehrle  
Reg. No. 45,535

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25<sup>th</sup> day of August, 2008.

  
Name

  
Signature